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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/078,853	05/14/1998	YASUSHI TAKAHASHI	450100-4486	7718

20999 7590 06/17/2005
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EXAMINER

BROWN, RUEBEN M

ART UNIT PAPER NUMBER

2611

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/078,853

Applicant(s)

TAKAHASHI ET AL.

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are not persuasive. Applicant has submitted new independent claim 15 and claim 17, each of which include the new subject matter, "genre taste value being calculated using a life-scene/time function representing a relationship between the life-scene corresponding to the request time and a time-variable coefficient". Applicant argues on page 5 that although Herz discloses a time window expressed by starting and end points, this time window corresponds to various moods, rather than being a function of a life-scene as required in the present invention. Applicant goes on to assert that even though Herz' time window may be compared to the present invention's disclosure in Fig. 25A, Fig. 25B of the present invention does not read on Herz. Examiner respectfully disagrees.

It is pointed out that Herz teaches that the various moods may or may not be time-specific, corresponding with the time of day. For instance, the violent mood may cover 6 a.m. to noon; peaceful mood 6p.m. to midnight; and speculative mood 8 p.m. to midnight, see col. 4, lines 59-64 & col. 17, lines 45-62. Moreover, in col. 18, lines 7-45, Herz specifically teaches that the customer mood will take on a time window superscript, and therefore this disclosure clearly reads on the claimed life-scene/time function.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz, (U.S. Pat # 5,758,257).

Considering claim 15, the claimed information retrieval method comprising the steps of:

‘forming a general user model based upon statistical data obtained by audience research on the actions of a plurality of users’, ‘the general user model having general user selection taste data’ reads on the use of demographic data discussed in Herz when generating an initial customer profile, see col. 11, lines 61-67; col. 38, lines 18-25.

‘statistical data including an audience rating for each of a plurality of genres’ reads on the disclosure in Herz that in Scheme B, the customer gives specific rating for each category, col. 12, lines 21-25 and that that the initial value of the content profile is based upon this voting by the other “experts” or viewers (col. 12, lines 41-55).

‘plurality of life-scenes’ is met by the plurality of moods based upon time of day, col. 17, lines 45-55.

‘wherein each user is classified according to various characteristics, including age, sex and life-stage’ Herz discusses the use of demographic information used to generate a user profile, (col. 4, lines 42-50; col. 11, lines 60-67). However, Herz does not explicitly state that the demographic information includes age, sex and a life-stage value. Nevertheless, Official Notice is taken that the time the invention was made, it was well known in the art to include the specific parameters of age, sex, and life-stage (such as child, teen, or adult) within a demographic profile of a person. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the demographic profile of Herz to include the parameters of age, sex, and life-stage (such as child, teen, or adult), within a demographic profile of a customer, at least for the known purpose of more accurately describing the customer.

‘inputting a user profile for a specific user’, is met by col. 18, lines 1-45, which for instance delineates customers by “each customer i”.

‘forming an initial user model forming a user specific model based upon the general user model and a user profile’, is met by Herz, col. 4, lines 32-55, which teaches that the initial customer profile may include demographic data, as well as a profile based upon user feedback

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data. Furthermore, Herz discusses adjusting the customer profile, (col. 13, lines 55-67; col. 14, lines 48-55 & col. 22, lines 56-67).

The additionally claimed feature of 'forming a study user model based upon the initial user model and information selection history of the specific user' is consistent with the teachings of Herz, see col. 29, lines 45-65; col. 30, lines 1-10 & col. 33, lines 12-21. Herz is directed to updating a customer's profile based upon the programs that are actually watched, col. 6, lines 35-60. The teachings of Herz, with respect to the agreement matrix, which utilizes an adjusted customer profile to generate and present a list of programs that the customer might likely desire, reads on the further claimed feature of retrieving information suiting the specific user based upon the study user model, see col. 19, lines 5-14; col. 40, lines 32-65.

"retrieving information suiting the specific user based on the study user model by calculating a genre taste value based on a request time for an EPG", reads on the discussion in Herz of the personalized EPG listings according to the user profile and time of day, col. 4, lines 58-67; col. 17, lines 45-67 & col. 18, lines 1-35 & col. 45, lines 10-34.

As for the additionally claimed feature of 'genre taste value being calculated using a life-scene/time function representing a relationship between the life-scene corresponding to the request time and a time-variable coefficient', Herz discloses that a particular customer may have programming according to moods, based upon the time of day, col. 17, lines 45-50. For instance, the violent mood may cover 6 a.m. to noon; peaceful mood 6p.m. to midnight; and speculative

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mood 8 p.m. to midnight, see col. 4, lines 59-64; col. 17, lines 45-62; col. 25, lines 9-12.

Moreover, in col. 18, lines 7-45, Herz specifically teaches that the customer mood will take on a time window superscript, this disclosure clearly reads on the claimed life-scene/time function.

Herz teaches that the window for viewing programming is expressed in the calculations as a pair of time variables 'l' and 'u', which represent starting point and ending point of a window, respectively, which reads on the claimed 'time-variable coefficient'.

The claim additionally includes the feature of, 'rearranging and displaying the EPG based on a genre priority table formed using the retrieved information and the calculated genre taste value'. The claimed genre priority table reads on the tables shown on col. 21, lines 15-45, which first shows the content profiles of programs, and then the value, i.e. priority of the sample genre to specific customers. For instance the three-sample genre of programming (romance, high-tech & violence) have priority values of .166, .425 & .409, respectively for John. The instant sample genre has priority values of .292, .192 & .516, respectively for Mary.

Finally, col. 21, lines 55-67 shows the calculations for the agreement matrix for particular programs 1-10, as such Herz uses the calculated information to generate the list of recommended programs discussed above; again see col. 45, lines 34-55. It is disclosed that the EPG may be modified to include fields for the "virtual" channels, which reads on the claimed 'rearranging and displaying'.

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Regarding the claimed feature that the 'general user taste data is dispersed data', the claimed feature reads on the discussion in Herz, that the agreement matrix is made up of a plurality of factors, see col. 10, lines 21-60 & col. 16, lines 19-65. The further claimed feature of the 'dispersed data including time related data', is met by the inclusion of Customer Moods & Time Windows, col. 17, lines 25-67.

The further claimed feature of the 'time related data being interpolated into continuous data by an interpolation method specified by an identification key', reads on the time/mood information being incorporated into the agreement matrix, col. 18, lines 6-35. The identification key is broad enough to read on the value $\{ f(l_i, u_i, l_f, u_j) \}$, which expresses the customer's dissatisfaction due to any (or no) mismatch between the time window of the customer mood (i) and the broadcast time of the program (j). Herz goes on to discuss how the function (f) changes as the mood window gets closer to or further away from the broadcast time, col. 18, lines 36-67.

Considering claim 16, 'wherein the interpolation method is a method of interpolating in accordance with a user attribute' is met by the at least by the customer mood being include in the agreement matrix calculation, col. 18, lines 19-35.

Considering claim 17, the claimed elements of an information retrieval apparatus comprises features that correspond directly with the subject matter recited in the method steps of claim 15 and are likewise treated.

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Considering claims 18-19, Herz discuss a storing means (memory 908) for storing the user profile and agreement matrix, col. 42, lines 40-60; col. 45, lines 19-37.

Considering claim 20, Herz teaches that the user profile and agreement matrix may be stored in memory at a CATV headend, col. 41, lines 20-65; col. 42, lines 1-10 & col. 43, lines 1-20.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 746-6861 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown

A handwritten signature in black ink, appearing to read "HAITRAN", is written over two horizontal lines.

**HAITRAN
PRIMARY EXAMINER**